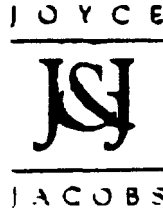


92-297

**EXHIBIT ONE**



DOCKET FILE COPY ORIGINAL

August 1, 1997

**via Hand Delivery**

William E. Kennard, General Counsel  
Daniel M. Armstrong, Associate General Counsel  
Federal Communications Commission  
1919 M Street, N.W., Room 614  
Stop Code 1400  
Washington, DC 20554

FEDERAL COMMUNICATIONS  
COMMISSION  
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**Re: REQUEST FOR EXPEDITED ACTION  
LMDS Order/Petitions for Reconsideration**

Dear Counsellors:

This letter is on behalf of Infinite Telesis, Inc. (formerly named LDH International, Inc. ("LDH"), Celltel Communications Corporation ("Celltel"), and CT Communications Corporation ("CT") (collectively, the "Petitioners"). As you may be aware, these Petitioners have pending before the Commission a petition for reconsideration ("Petition") of the FCC's Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rule Making, FCC 97-82 (released March 13, 1997) (the LMDS "Second R&O"). Petitioners have also filed a Motion for Stay of the LMDS rules with the FCC; this agency has not acted on that request.

By this letter, and pursuant to FCC Rule Section 1.41, Petitioners Celltel and CT hereby withdraw their request for reconsideration of the Second R&O.<sup>1</sup> Petitioner LDH will continue to prosecute that Petition on its own behalf.

Also by this letter, Petitioner LDH respectfully asks the FCC to expeditiously rule on its pending Petition, so as to preserve any meaningful rights of judicial review, and preserve FCC

<sup>1</sup> Celltel's Petition for Review (Case no. 93-1121) and CT's Petition for Review (Case no. 93-1129), are still pending before the U.S. Court of Appeals, D.C. Circuit. Celltel and CT presume that those appeals will proceed apace, and that they do not need to refile petitions for review. See, e.g., Los Angeles SMSA v. FCC (Case no. 95-1307), "Order on Motions to Dismiss", U.S. Court of Appeals, D.C. Circuit (December 15, 1995). If the FCC, or the Court, disagree, Celltel and CT will immediately re-file, as allowed under Los Angeles SMSA v. FCC, since the statutory review period was "tolled" pending review of their reconsideration requests.

William E. Kennard, General Counsel  
Daniel M. Armstrong, Associate General Counsel  
August 1, 1997  
Page 2

resources. Petitioner LDH was among a group of LMDS "Applicants" that filed Petitions for Review of the FCC's dismissal of their applications, back in 1993. At the FCC's request, the U.S. Court of Appeals for the D.C. Circuit held those appeals in abeyance, pending FCC review of related petitions for reconsideration. The Second R&O consolidated its rulemaking proceeding with Petitioner's application/adjudicatory matter, denied Petitioner's reconsideration request, and affirmed dismissal of these applications.

Petitioner was then faced with a procedural dilemma. LDH could have immediately renewed its appeal of the FCC's dismissal action. However, in the three years that elapsed between the original appeals and the FCC's Second R&O, there had been substantial legal and factual changes that bore significantly upon the grantability *vel non* of the Applications. To provide the FCC with an opportunity to review those questions of fact and law, on April 14, 1997, the Petitioners filed their petition for reconsideration of the Second R&O.

Around the same time, various telephone companies filed petitions for review of the Second R&O, which were consolidated with the 1993 appeals of the Applicants/Petitioners. Those parties asked for an expedited briefing schedule, to which the FCC consented, so that their appeals could be heard prior to the FCC's proposed November LMDS auctions.

Meanwhile, the U.S. Court of Appeals for the D.C. Circuit issued an Order to Show Cause to Petitioner LDH, as to why its appeal should not be dismissed as "premature." LDH explained to the Court that the exhaustion doctrine should not apply here, since LDH's rights to meaningful review would be denied, and there would be unnecessary duplication of appeals, if the Court heard the other appeals prior to the FCC's disposition of Petitioner's reconsideration request. Nevertheless, by Order dated July 30, 1997, the Court dismissed LDH's appeal, number 93-1141 (a copy of that Order is attached hereto).

Now, the appeals of similarly-situated applicants are being heard by that Court on an expedited basis. And, wireline companies, who have only lately expressed any interest in LMDS services, are also having their appeals heard on an expedited basis. But, Petitioner LDH, who was at the vanguard of LMDS years ago, could be deprived of any meaningful opportunity for judicial review if the FCC does not resolve its pending Petition prior to the Court's review of related appeals. If the FCC delays its response more than another week or two, Petitioner will not be able to its appeal heard on the same track as the other petitioners. That means that LDH will have to decide whether to participate in the FCC's November auctions -- obtain financing, staff, and resources for same -- without having had an opportunity for judicial review of its application dismissals (assuming this Petition is denied). That possibility is fundamentally unfair.

In light of these events, Petitioner LDH respectfully requests that the FCC answer its

William E. Kennard, General Counsel  
Daniel M. Armstrong, Associate General Counsel  
August 1, 1997  
Page 3

Petition in the next week or two. While we can appreciate that this is a much shorter time than the FCC typically requires for reconsideration petitions, immediate action is required here due to the FCC's expedited auction plans, and the Court's accelerated briefing schedule. The facts and legal arguments raised in the Petition are not novel, and should not require further Commission deliberation, particularly if the FCC intends to deny Petitioner's request. Under the circumstances, any further delays would be terribly unfair to Petitioner, effectively depriving LDH of meaningful judicial review. That is particularly true since this Court has denied Petitioner's alternative request for a stay of the November auctions pending reconsideration.

An expedited response to Petitioner's reconsideration request will save scarce FCC resources. If the FCC immediately denies LDH's reconsideration request, LDH will be able to join the Brief that was filed July 30, 1997 by other similarly-situated LMDS applicants. In that event, there will be no need for additional FCC briefs, and, all appeals of the FCC's LMDS orders could be heard by the D.C. Circuit at one time. Otherwise, the FCC will inevitably be faced with multiple appeals, multiple briefing schedules, and multiple oral arguments concerning its LMDS orders.

For all these reasons, please notify Petitioner LDH's undersigned attorneys, either in writing or by telephone, as to the FCC's intended deadline for answering its petition for reconsideration of the LMDS Second R&O. Petitioner again respectfully requests that the FCC resolve this matter in the next week or two. Thank you very much for your prompt attention to this. If you have any questions, please contact the undersigned directly.

Sincerely,



Frederick M. Joyce  
Christine McLaughlin

Attorneys for Petitioner LDH, Inc.  
and former Petitioners Celltel and CT

FMJ/rw  
enclos.  
cc: service list